IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

Crl.Rev.Pet.No. 504 of 1998

CRA.169/1995 of III ADDL.SESSIONS COURT, ERNAKULAM
CC.60/1991 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM
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REVN. PETITIONER:

GOPI N. MENON, PROPRIETOR
HARISH ENTERPRISES, HARISH NILAYAM
EROOR SOUTH P.O. TRIPUNITHURA.

BY ADV. SRI.K.B.SURESH

RESPONDENTS:
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1. P.K. JOSHY, S/O. KOSHY
NAMEKKAD FINANCIERS,
N.F.GATE
TRIPUNITHURA.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNKAULAM.

BY PUBLIC PROSECUTORMR. C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 04/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO. 2656 OF 1998 IN CRL.R.P.NO. 504/1998

DISMISSED.

4-4-2007 **SD/-K.R.UDAYABHANU, JUDGE**

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.504 OF 1998

DATED THIS THE 4TH DAY OF APRIL 2007

ORDER

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced to pay a fine of Rs.5000/- and in default to undergo simple imprisonment for three months. The fine amount, if realised , Rs.4500/- is to be paid to PW1, the complainant.

The prosecution case is that the accused borrowed Rs.3000/- from the complainant and agreed to repay the same as and when demanded. When the complainant demanded the repayment, he issued the impugned cheque for Rs.3,000/- which was dishonoured for want of funds in the account of the accused. The evidence adduced consisted of the testimony of PWs.1 and 2 and DW1 and Exts.P1 to P5. The accused himself got examined as DW1. His version is that he was prepared to pay the amount to the complainant and also expressed his willingness to pay interest due as per law. In the circumstances, I find that there is no ground at all to interfere in the concurrent findings of the courts below. The Crl.revision petition is dismissed.

ks. **K.R.UDAYABHANU, JUDGE**

K.R.UDAYABHANU, J

CRL.R.P.NO.504 of 1998

ORDER

4-4-2007